IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 558 OF 2006

Bharatratna Dr. Babasaheb Ambedkar Nagar
Vikas Co-op.Hsg.Society Ltd. & Ors. ..Petitioners.

Vs.

Slum Rehabilitation Authority & Ors. ..Respondents.

Mr.Shailesh Shah i/by Carlton Gracious for the Petitioners.

Mr. Ravi Kadam, Advocate General with Mr. G.D. Utangale i/by Utangale and Co. for Respondent No.1.

Mr. Atul Rajadhyaksha i/by C.N. Gole for Respondent Nos. 2 and 3.

Mr. Y. Choudhari for Respondent No.4.

Mr. S.G. Surana for Respondent No.5.
Mrs. S. Ajit Kumar for Respondent No.6.
Mr. Milind More, AGP for Respondent No.7.

CORAM : F.I. REBELLO AND
ANOOP V. MOHTA,JJ.

DATED : 08TH MARCH, 2006.

P.C.:

1. This is another petition where the object apparently appears not to be for the benefit of rehabilitation of the slum-dwellers but a proxy battle between two builders. The petitioners claim to represent 43% of the slum dwellers. The respondent Nos. 2 and 3, who have floated a Society, claim on the basis of Annexure to the affidavit in reply being Exh.‘A’ that

the Respondent No.2 has membership of 597 hutment dwellers out of 792, eligible slum dwellers. This constitutes 75.37% of the total eligible hutment dwellers, which is more than 70%; that is required for approving a S.R.A. Scheme.

2. On behalf of the respondent No.1 it is pointed out that in fact it was respondent No.5 who was the first to approach respondent No.1. Respondent No.4 has come on the scene subsequently. We need not go into that issue, considering the object of S.R.A. Scheme, which is to benefit the slum dwellers to get habitable premises. In the event, those who are eligible, are denied the benefit of SRA Scheme, they have a right of putting forward their case to the competent authority and if aggrieved, before the appellate authority. In the affidavit of G.K. Bansode, in paragraph 2 (c) it is set out that many of the eligible slum dwellers who had earlier given their consent to the proposed society floated by the petitioners have since withdrawn their consent. Such an issue had earlier came up before us in a similar other petition being writ petition No. 2375/2005 and other petitions, which was disposed of on 16th December, 2005. Considering the object of the S.R.A. Scheme and as the respondent No.2 has the confidence of more than 70% of the eligible slum

dwellers and as respondent No.5 has been appointed by them, we do not find this a fit case to exercise our extra ordinary jurisdiction.

3. There is, however, one more grievance made by the petitioners and that is that the names of ineligible slum dwellers have been approved and such persons ought not to have been considered. Normally such exercise is carried out before the Annexure II is issued for the eligible slum dwellers. However, considering the grievance made by the petitioners, we direct the respondent No.1 to give a list of the names of those who have held to be eligible finally to the petitioners within seven days from today. It will be open to the petitioners, if so advised, based on the material in their possession, to file objections, if there are any persons, who are ineligible and on such objections to be filed, it will be for the competent officer to consider the said objections and if those objections are upheld and consequently, the number comes to less than 70% of those eligible, then to take such an appropriate steps in law in which they will be entitled.

4. With the above direction, the petition stands disposed of.

08.03.2006 (F.I.Rebello,J)

(Anoop V.Mohta, J)